

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT ANDREW WERMUTH,
#189991,

Plaintiff,

SHANNON CARROL YOUNGBLOOD,
et al.,

Defendants.

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Case No. 2:05cv644

AFFIDAVIT OF EVERETTE L. JOHNSON

STATE OF ALABAMA)

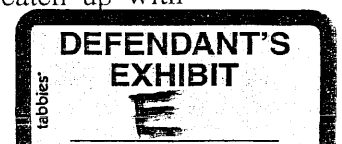
COUNTY OF MONTGOMERY)

Before me, a Notary Public in and for said State and County, personally appeared **Everette L. Johnson** and, after first being duly sworn by me, did depose and state as follows:

My name is Everette L. Johnson and I am over nineteen (19) years of age. I am currently employed as a Sergeant with the Montgomery Police Department, and assigned to Second Shift Patrol.

On Tuesday, September 30, 2003 at approximately 3:45 a.m., a call went out involving the pursuit of a subject, later identified as Robert Andrew Wermuth. From the radio traffic, I was able to ascertain that Officer Welch and his partner had responded to a code 34 (theft) in progress at a gas station near Plantation and the Boulevard. The suspect was in a vehicle and as Officer Welch attempted to place him into custody, the subject cranked his car and drove away, dragging Officer Welch down the parking lot. Officer Welch let go of the car and the subject fled westbound on the Northern Boulevard towards Interstate 85.

A lookout for the vehicle, a red Jeep Cherokee, was posted. A short time later, Sergeant Youngblood observed a vehicle matching the description on Mt. Meigs Road and fell in behind the vehicle. At this time, I was near Forest Avenue and Interstate 85 attempting to catch up with

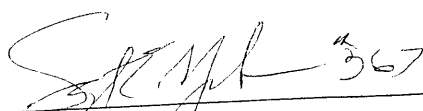


Sergeant Youngblood. The pursuit originated near the interchange of Interstates 85 and 65 when Sergeant Youngblood attempted to initiate a traffic stop with full emergency equipment (lights and sirens) but the suspect refused to stop. I finally got behind Sergeant Youngblood at Hill and Mill Streets and the subject continued turning on neighborhood streets in his attempts to flee.

Sergeant Youngblood wrecked his vehicle at Hill and Day Streets, but I continued to follow the subject through several streets until he pulled into a driveway, exited the vehicle and attempted to run. I jumped out of my vehicle and gave the standard K-9 warning of "Stop or I will release my dog" several times but the subject continued to run. I released my K-9 partner, Jethro, and as Jethro approached the subject, the subject tripped and fell down and my partner engaged in his right arm. I then approached the subject, took his left arm and placed one cuff on it. Lieutenant Byrne and several other patrol officers were approaching, but Lieutenant Byrne ordered them to stay back because my dog was engaged and I did not have physical control over him at that time because I was trying to get control over the subject. As I held onto the subject I called for any officer to come help me put the subject into custody and Officer Hill responded. I explained to Officer Hill that the dog was not going to engage him and to just come over and grab the suspect's left arm. Once Officer Hill has the suspect in custody, I placed my hands on my dog and told him to release the subject which he did. I retrieved my dog from the subject as soon as possible – once the subject was in custody. I kept telling the subject to be still and give me his hands so I could get the dog off but, instead, the subject continued to struggle.

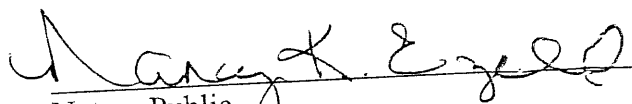
The subject was treated by paramedics and transported to the hospital for treatment of his puncture marks.

Further Affiant saith not.



Everette L. Johnson

SWORN to and SUBSCRIBED before me this the 23 day of August, 2005.



Notary Public

My commission expires 2-8-08